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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada limited-
liability company,

Plaintiff,

v.

STEVEN GILBERT, an individual,

Defendant.

Case No.: 2:10-cv-01491

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against Steven Gilbert (“Mr. Gilbert”), on information and belief:

NATURE OF ACTION

1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Nevada Secretary of State.

4. Mr. Gilbert is, and has been at all times relevant to this lawsuit, identified by the current registrar, GoDaddy.com, Inc. (“GoDaddy”), as the registrant, administrative contact and technical contact of the Internet domain found at <sweetness-light.com> (the “Domain”; the content accessible through the Domain and the Domain itself known herein as the “ Website”).

JURISDICTION

5. This Court has original subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

6. Righthaven is the owner of the copyright in and to the literary work entitled: “Obama’s visit just bounced off Reid” (the “Work”), attached hereto as Exhibit 1.

7. At all times relevant to this lawsuit, the Work has depicted and depicts the original source publication as the Las Vegas *Review-Journal*.

8. Mr. Gilbert willfully copied, on an unauthorized basis, a substantial and significant portion of the Work from a source emanating from Nevada.

9. On or about February 28, 2010, Mr. Gilbert displayed, and continues to display an unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 2, on the Website.

10. At all times relevant to this lawsuit, the Infringement has depicted and depicts the original source publication as the Las Vegas *Review-Journal*.

11. The subject matter, at least in part, of the Work and the Infringement, is the effect of President Obama’s visit to Las Vegas, Nevada upon Harry Reid’s campaign for re-election to the United States Senate.

1 12. At all times relevant to this lawsuit, Mr. Gilbert knew that the Work was
2 originally published in the Las Vegas *Review-Journal*.

3 13. At all times relevant to this lawsuit, Mr. Gilbert knew that the Infringement was
4 and is of specific interest to Nevada residents.

5 14. Mr. Gilbert's display of the Infringement was and is purposefully directed at
6 Nevada residents.

7 15. Mr. Gilbert willfully copied, on an unauthorized basis, a substantial and
8 significant portion of the literary work entitled: "Tea Party Express Rally: Palin energizes
9 thousands, declares 'we're not going to sit down and shut up'" (the "Tea Party Article"),
10 attached hereto as Exhibit 3, from a source emanating from Nevada.

11 16. On or about March 27, 2010, Mr. Gilbert displayed, and continues to display, the
12 Tea Party Article on the Website.

13 17. Mr. Gilbert's display of the Tea Party Article was and is purposefully directed at
14 Nevada residents.

15 18. Mr. Gilbert willfully copied, on an unauthorized basis, a substantial and
16 significant portion of the literary work entitled: "Health Care Overhaul Poll: More Nevadans
17 unhappy with reform package and in Reid's efforts pushing it" (the "Health Care Article"),
18 attached hereto as Exhibit 4, from a source emanating from Nevada.

19 19. On or about January 10, 2010, the Mr. Gilbert displayed, and continues to display,
20 the Health Care Article on the Website.

21 20. Mr. Gilbert's display of the Health Care Article was and is purposefully directed
22 at Nevada residents.

23
24 **VENUE**

25 21. The United States District Court for the District of Nevada is an appropriate
26 venue, pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events giving rise to
27 the claim for relief are situated in Nevada.
28

1 22. The United States District Court for the District of Nevada is an appropriate
2 venue, pursuant to 28 U.S.C. § 1400(a), because Mr. Gilbert is subject to personal jurisdiction in
3 Nevada.

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6 **FACTS**

7 23. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §
8 102(a)(1).

9 24. Righthaven is the owner of the copyright in and to the Work.

10 25. The Work was originally published on February 28, 2010.

11 26. On May 12, 2010, the United State Copyright Office (the “USCO”) received
12 Righthaven’s official submittal for the registration of the Work including the application, the
13 deposit copy, and the registration fee (the “Complete Application”), Service Request No. 1-
14 398847046, attached hereto as Exhibit 5.

15 27. On or about February 28, 2010, Mr. Gilbert displayed, and continues to display,
16 the Infringement on the Website.

17 28. Mr. Gilbert did not seek permission, in any manner, to reproduce, display, or
18 otherwise exploit the Work.

19 29. Mr. Gilbert was not granted permission, in any manner, to reproduce, display, or
20 otherwise exploit the Work.

21
22 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

23 30. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
24 29 above.

25 31. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17
26 U.S.C. § 106(1).

27 32. Righthaven holds the exclusive right to prepare derivative works based upon the
28 Work, pursuant to 17 U.S.C. § 106(2).

1 33. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
2 17 U.S.C. § 106(3).

3 34. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17
4 U.S.C. § 106(5).

5 35. Mr. Gilbert reproduced the Work in derogation of Righthaven's exclusive rights
6 under 17 U.S.C. § 106(1).

7 36. Mr. Gilbert created an unauthorized derivative of the Work in derogation of
8 Righthaven's exclusive rights under 17 U.S.C. § 106(2).

9 37. Mr. Gilbert distributed, and continues to distribute, an unauthorized reproduction
10 of the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. §
11 106(3).

12 38. Mr. Gilbert publicly displayed, and continues to publically display, an
13 unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive
14 rights under 17 U.S.C. § 106(5).

15 39. Mr. Gilbert has willfully engaged in the copyright infringement of the Work.

16 40. Mr. Gilbert's acts as alleged herein, and the ongoing direct results of those acts,
17 have caused and will continue to cause irreparable harm to Righthaven in an amount Righthaven
18 cannot ascertain, leaving Righthaven with no adequate remedy at law.

19 41. Unless Mr. Gilbert is preliminarily and permanently enjoined from further
20 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
21 entitled to preliminary and permanent injunctive relief against further infringement by the
22 Defendants of the Work, pursuant to 17 U.S.C. § 502.

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24 **PRAYER FOR RELIEF**

25 Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

26 1. Preliminarily and permanently enjoin and restrain Mr. Gilbert, and Mr. Gilbert's
27 officers, agents, servants, employees, attorneys, parents, subsidiaries, related companies,
28 partners, and all persons acting for, by, with, through, or under Mr. Gilbert, from directly or

1 indirectly infringing the Work by reproducing the Work, preparing derivative works based on the
2 Work, distributing the Work to the public, and/or displaying the Work, or ordering, directing,
3 participating in, or assisting in any such activity;

4 2. Direct Mr. Gilbert to preserve, retain, and deliver to Righthaven in hard copies or
5 electronic copies:

6 a. All evidence and documentation relating in any way to Mr. Gilbert's use
7 of the Work, in any form, including, without limitation, all such evidence and
8 documentation relating to the Website;

9 b. All evidence and documentation relating to the names and addresses
10 (whether electronic mail addresses or otherwise) of any person with whom the
11 Defendants have communicated regarding Mr. Gilbert's use of the Work; and

12 c. All financial evidence and documentation relating to Mr. Gilbert's use of
13 the Work;

14 3. Direct the current domain name registrar, GoDaddy, and any successor domain
15 name registrar for the Domain to lock the Domain and transfer control of the Domain to
16 Righthaven;

17 4. Award Righthaven statutory damages for the willful infringement of the Work,
18 pursuant to 17 U.S.C. § 504(c);

19 5. Award Righthaven costs, disbursements, and attorneys' fees incurred by
20 Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

21 6. Award Righthaven pre- and post-judgment interest in accordance with applicable
22 law; and

23 7. Grant Righthaven such other relief as this Court deems appropriate.
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DEMAND FOR JURY TRIAL

Righthaven requests a trial by jury pursuant to Fed. R. Civ. P. 38.

Dated this thirty-first day of August, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons
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